

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (ORIGINAL) Seed of a soybean variety designated S022209 wherein a sample of seed was deposited under ATCC Accession No. \_\_\_\_\_.
2. (CURRENTLY AMENDED) A soybean plant, or ~~parts~~ a part thereof, of variety S022209, wherein a sample of seed of said variety having been was deposited under ATCC Accession No. \_\_\_\_\_.
3. (ORIGINAL) Pollen of the plant of claim 2.
4. (ORIGINAL) An ovule of the plant of claim 2.
5. (ORIGINAL) A tissue culture of regenerable cells from the plant of claim 2.
6. (CURRENTLY AMENDED) ~~A tissue~~ The tissue culture according to claim 5, wherein said cell or a protoplast of the tissue culture is derived produced from a tissue selected from the group consisting of: leaves, pollen, embryos, cotyledon, hypocotyl, meristematic cells, roots, root tips, anthers, flowers, seeds, stems and pods.
7. (CURRENTLY AMENDED) A soybean plant regenerated from the tissue culture of claim 5, wherein the regenerated plant is ~~capable of expressing~~ has all of the morphological and physiological characteristics of soybean cultivar S022209 and wherein a sample of seed was deposited under ATCC Accession No. \_\_\_\_\_.
8. (ORIGINAL) A method for producing a hybrid soybean seed comprising crossing a first parent soybean plant with a second parent soybean plant and harvesting the resultant hybrid soybean seed, wherein said first parent soybean plant or said second parent soybean plant is the soybean plant of claim 2.
- 9 - 22. (CANCELED)

23. (NEW) A method of producing an herbicide resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers herbicide resistance.

24. (NEW) An herbicide resistant soybean plant produced by the method of claim 23.

25. (NEW) A method of producing an insect resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers insect resistance.

26. (NEW) An insect resistant soybean plant produced by the method of claim 25.

27. (NEW) A method of producing a disease resistant soybean plant wherein the method comprises transforming the soybean plant of claim 2 with a transgene that confers disease resistance.

28. (NEW) A disease resistant soybean plant produced by the method of claim 27.

29. (NEW) A method of producing a soybean plant with modified fatty acid or carbohydrate metabolism wherein the method comprises transforming the soybean plant of claim 2 with one or more transgenes encoding a protein selected from the group consisting of stearyl-ACP desaturase, fructosyltransferase, levansucrase, alphaamylase, invertase and starch branching enzyme.

30. (NEW) A soybean plant produced by the method of claim 29.

31. (NEW) A method of introducing a desired trait into soybean cultivar S022209 wherein the method comprises:

(a) crossing the S022209 plants, representative seed deposited under ATCC Accession No. PTA-\_\_\_\_\_, with plants of another soybean line that comprise a desired trait to produce F1 progeny plants, wherein the desired trait is selected from the group consisting of male sterility, herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;

- (b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
  - (c) crossing the selected F1 progeny plants with the S022209 plants to produce first backcross progeny plants;
  - (d) selecting for first backcross progeny plants that have the desired trait and physiological and morphological characteristics of soybean cultivar S022209 to produce selected first backcross progeny plants; and
  - (e) repeating steps (c) and (d) two or more times in succession to produce selected second or higher backcross progeny plants that comprise the desired trait and all of the physiological and morphological characteristics of soybean cultivar S022209 as described in the Variety Description Information and as determined at a 5% significance level when grown in the same environmental conditions.
32. (NEW) A plant produced by the method of claim 31, wherein the plant has the desired trait and all of the physiological and morphological characteristics of soybean cultivar S022209 as described in the Variety Description Information and as determined at a 5% significance level when grown in the same environmental conditions.